IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

TUESDAY, THE EIGHTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MRS JUSTICE T.MEENA KUMARI

and
THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT APPEAL NO : 162 of 1999

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 18.12.1997 in WP.NO :7788 OF 1993 on the file of the High Court.)

Between:

The Management of Singareni Colleries Company Limited

Godavarikhani-505209

Karimnagar District

Rep.by its General Manager, Ramagundam-II Area

..... APPELLANT

AND

1. Industrial Tribunal-I,

   Chandra Vihar, M.J.Road

   Hyderabad

2. Sri Mabbu Odelu, Coalfiller

   GDK No.9A Incline,

   PO:Godavarikhani-505209

   Karimnagar District

   S/o.Bhoomaiah, R/o.Manthani, Karimnagar District

Andhra Pradesh

.....RESPONDENTS

Counsel for the Appellant : MR.K.SRINIVASAMURTHY

Counsel for Respondent No.1: GP FOR INDUSTRIES & COMMERCE

Counsel for Respondent No.2: MR.B.G.Ravindar Reddy

The Court made the following

JUDGMENT: (Per the Honourable Smt.Justice T.Meena Kumari)

This writ appeal is filed by the appellant against the orders passed in W.P.No.7788 of 1993 dated 18.12.1997 by a learned single Judge of this Court.

The writ petitioner-appellant is the Management and the 2nd respondent is the workman. Originally, workman raised an Industrial Dispute before the Labour Court seeking reinstatement. During the pendency of the dispute, the Management has preferred an application in M.P.No:178 of 1985 in I.D.No:56 of 1984 under section 33 (2) (b) of the Industrial Disputes Act seeking approval of the action of the Management to dismiss the workman. The Tribunal having observed that the evidence of M.Ws.2 and 3 goes to show that the Workman is a good worker and he is not quarrelsome and therefore, the action of the Management falls within the ambit of clause 5 (g) of Schedule V, dismissed the application. Having aggrieved by the same, the Management has preferred the present petition seeking to quash the order of the Tribunal.

The learned single Judge of this Court having observed that the Management has failed to place any material as to how the order of the tribunal is liable to be quashed, dismissed the writ petition. Aggrieved by the same, the Management preferred the present writ appeal.

The learned counsel for the Management has argued that the Industrial Tribunal has

misunderstood the provisions of Section 33(2)(b) of the Industrial Disputes Act. The learned counsel has also tried to support the action of the management saying that the wages have been paid as per Pay Sheets i.e Exs.P-18 and Ex.M-28.

But, however, we have gone through the evidence placed before the Tribunal. It is the contention that the workman has refused to accept the wages that were made through alternative mode of service or by post. In the absence of any such documentary evidence, we cannot accept the contention of the learned counsel for the Management.

The contention of the learned counsel for the management that the provisions of Section 33(2) (b) of the Industrial Disputes Act have been complied with, cannot be accepted. The acquittance role of the respondent-workman goes to show that he has received half of the amount of the pay by affixing his thumb impression. But, however, the provisions of Section 33(2) (b) makes it obligatory on the part of the Management to pay wages for one month to the respondent-workman. In the absence of oral or documentary evidence that one month back wages have been paid to the workman, we are disagreeing with the contention of the counsel for the appellant-management that they have complied with the said provision.

In the facts and circumstances of the case and in view of the provisions of section 33 (2) (b) of the Industrial Disputes Act, we have no hesitation to hold that the order of the learned single Judge as well as the Tribunal does not require any interference by this Court. We see no merits in this appeal and the same is liable to be dismissed.

Accordingly, the writ appeal is dismissed. No costs.

(T.MEENA KUMARI, J)

(S.ANANDA REDDY, J)

Dt: 08.02.2005

Gurc/**bsv**

To

1. The General Manager ,Management of Singareni Colleries Company Limited

Godavarikhani-505209, Karimnagar District

Ramagundam-II Area

2 Industrial Tribunal-I,

Chandra Vihar, M.J.Road

Hyderabad

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